

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: the prior art is free of any teaching or suggestion of making a tricalcium phosphate particle having an average particle size of about 5 μ m or less, an average crystal size of about 250nm or less, a surface area of about 20 m²/g or greater, the particle being densified to form an article having a minimum dimension of 0.5 cm or greater and transmits about 50% or more light. While Kawamura et al. (US Patent 4717556, Published 01/05/1998) teach an article comprising tricalcium phosphate of the instant surface area and particle size, they do not teach the instant particle size and article dimension. Tanaka et al. (US Patent 6441073 B1, Published 08/27/2002) teach that tricalcium phosphate having biological applicability can be have its particle size adjusted to the instantly claimed particle size. Applicant however has pointed out that Hakamatsuka et al. (US Patent 5322675) teach that the Kawamura et al. tricalcium phosphates should not be used for biological purposes since the cause hemolysis, anitgenicity and cytotoxicity and therefore it would not have been obvious to one ordinary skill in the art to adjust the particle size of Kawamura et al. for biological utility. Applicant's argument has been fully considered and found to be persuasive. Therefore, the prior art is free of any teaching or suggestion of the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALI SOROUGH whose telephone number is (571)272-9925. The examiner can normally be reached on M-F (9am-6pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fereydoun G. Sajjadi can be reached on (571)272-3311. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. S./
Examiner, Art Unit 1617

May 20, 2011